

4456
1 BILL NO. G-79-05-12)

2 GENERAL ORDINANCE NO. G-

03-80

3 AN ORDINANCE amending General Ordinance
4 No. G-97 by authorizing the vacation of
a portion of Pennsylvania Street.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. Petition for the vacation of a certain street having
8 been filed with the Fort Wayne City Plan Commission in accordance with
9 Section 44, Chapter 174, of the Acts of the General Assembly of the State
10 of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
11 the General Assembly of the State of Indiana (I.C. 18-7-5-46), the
12 Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by
13 the Common Council of the City of Fort Wayne on November 26, 1963, is
14 amended by deleting the following street, to wit:

15 Part of the Northwest Quarter, Section 8, Township 30
16 North, Range 13 East, Allen County, Indiana, in
particular described as follows, to wit:

17 Commencing at the point of intersection of the West
18 line of said Northwest Quarter with the North right-
19 of-way line of the Wabash Railroad (now the Norfolk
20 & Western); thence East, on and along said North
21 line, a distance of 1310.9 feet; thence Northerly,
22 by an interior angle of $89^{\circ}-56'$, a distance of
23 318.2 feet to a point on the Southerly right-of-way
24 line of said Pennsylvania Street, said point being
25 the true point of beginning; thence continuing
26 Northerly on the last described course, a distance of
27 50.80 feet to a point on the Northerly right-of-way
28 line of said Pennsylvania Street; thence Northwest-
29 erly, by a deflection angle left of $79^{\circ}-49'$, on and along
30 said Northerly right-of-way line, a distance of 385.37
31 feet; thence Southwesterly, by a deflection angle left
32 of $100^{\circ}-47'$, a distance of 50.90 feet to a point on the
33 Southerly right-of-way line of said Pennsylvania Street;
34 thence Southeasterly, by a deflection angle left of
35 $79^{\circ}-13'$, on and along said Southerly right-of-way line,
a distance of 384.83 feet to the true point of beginning.

SECTION 2. After passage of this Ordinance, approval by the
Mayor and legal publication, a duly certified copy of this Ordinance, of
the recommendation of the Fort Wayne City Plan Commission, and of the
action of the Mayor, shall be transmitted by the City Clerk to the Board
of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal publication
thereof.

APPROVED AS TO
FORM & LEGALITY

William N. Solin, City Attorney


Councilman

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Esteban, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	<u>✓</u>	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-12-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 9-03-80 on the 12th day of February, 19 80.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of February, 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 19th day of Feb. 19 80, at the hour of 8 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

Read the first time in full and on motion by Amick, seconded by Stinger, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 5-22-79.

Charles W. Westernman Jr
CITY CLERK

Read the third time in full and on motion by _____,

seconded by _____, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE
(RESOLUTION) No. _____ on the _____ day of _____, 19____.
ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

BILL NO. G-79-06-12

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending General Ordinance No. G-97 by authorizing
the vacation of a portion of Pennsylvania Street

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

2-12-80 CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

THE CITY OF FORT WAYNE PLAN COMMISSION

FORT WAYNE NATIONAL)
BANK, TRUSTEE,)
)
Petitioner,)
)
VS.)
)
THE CITY OF FORT)
WAYNE, INDIANA,)
)
Respondent.)

SECOND AMENDED PETITION TO VACATE
A PORTION OF PENNSYLVANIA STREET

Comes now the Petitioner, Fort Wayne National Bank, Trustee,
by counsel, and for cause of action against the Respondent herein,
alleges and says that:

1. Petitioner holds fee simple absolute title to (3) parcels
of land in the County of Allen, Township of Adams, Indiana, by
virtue of a deed from Grahame Somerville executed on October 19,
1973, and recorded on October 26, 1973 as Document Number 73-26690,
in the Office of the Allen County, Indiana Recorder, said parcels
of real estate being legally described as follows to-wit:

Parts of the Northwest Quarter of Section 8,
Township 30 North, Range 13 East, in Allen
County, Indiana, in particular described as
follows, to wit:

Commencing on the North line of the right-of-
way of the Wabash Railroad at a point situated
947.5 feet East of the West line of said Quarter
Section; thence North and parallel to said
Quarter Section line 386.4 feet; thence South-
easterly by a deflection right of 100 degrees,
42 minutes 232.4 feet; thence South to the
North line of the right-of-way of the said
Wabash Railroad, at a point situated 1174.4
feet East of the West line of said Quarter
Section; thence West on the said right-of-way
line, 226.9 feet to the point of beginning,
containing 1.90 acres of land.

ALSO

Commencing on the North line of the right-of-
way of the Wabash Railroad at a point situated
722.5 feet East of the West line of said Quarter
Section; thence North and parallel to said
Quarter Section line 429.0 feet; thence South-
easterly by a deflection right of 100 degrees
42 minutes, 229.0 feet; thence South and parallel
to the West line of said Quarter Section 386.2
feet, to the North right-of-way line of said
Wabash Railroad; thence West on the said right-
of-way line, 225.0 feet to the point of beginning,
containing 2.10 acres of land.

ALSO Part of the Northwest 1/4, Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to wit:

Commencing at a point within said 1/4 Section, situated 797.5 feet East of the West line of said 1/4 Section, and 414.8 feet North of the North right-of-way line of the Wabash Railroad; thence North and parallel to the West line of said 1/4 Section, 432.7 feet to the center line of the right-of-way of State Road No. 365; thence Southeasterly on the said State Road center line, on a 56-minute curve left, a distance of 390.0 feet to a point situated 1176.5 feet East of the West line of said 1/4 Section; thence South by a deflection to the right of the tangent to said curved center line at the point aforesaid, of 75 degrees, 16 minutes, a distance of 405.2 feet to a point situated 343.6 feet North of the North line of the right-of-way of the said Wabash Railroad; thence Northwesterly 385.1 feet to the point of beginning, containing 3.64 acres of land.

2. That lying between the above-described parcels is an easement for street purposes (Pennsylvania Street), as shown on the survey of Zohrab K. Tazian, Registered Land Surveyor, bearing Survey Number AB-169 dated June 14, 1971 and revised on February 19, 1979, which is attached hereto and made a part hereof as Exhibit A.

3. That your Petitioner desires to sell the above-described parcels of real estate to which it presently has legal title, but said real property is encumbered by the easement for street purposes (Pennsylvania Street).

4. That in order to make the above-described parcels of real estate marketable, Petitioner hereby requests the Court to vacate that portion of the easement for street purposes (Pennsylvania Street), legally described as follows, to-wit:

See Exhibit A-2 for legal description.

5. That said portion of Pennsylvania Street sought to be vacated is not necessary as ingress or egress to other properties whatsoever.

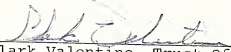
6. That said portion of Pennsylvania Street sought to be vacated is unopened and unimproved.

7. That no other person, firm, or corporation is interested in or affected by the requested vacation.

8. That the maintenance of said portion of Pennsylvania Street sought to be vacated is not necessary or advantageous to the growth of the City of Fort Wayne, and not in the best interests of the City and citizens thereof.

9. That your Petitioner files this Petition pursuant to the authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above-described.

10. That your Petitioner files this Second Amended Petition, the original petition having been filed with the Fort Wayne City Commission on January 29, 1979, and the Amended Petition having been filed on February 9, 1979, so as to clarify the legal description of that part of Pennsylvania Street sought to be vacated.


Clark Valentine, Trust Officer,
Fort Wayne National Bank

ROTHBERG, GALLMEYER, FRUECHTENICHT
& LOGAN, (F. L. Dennis Logan)
Mezzanine Floor, Indiana Bank Building
Fort Wayne, Indiana 46802
Telephone: 219-422-9454

Z. K. TAZIAN ASSOCIATES, Inc.

Fort Wayne, Indiana 46802

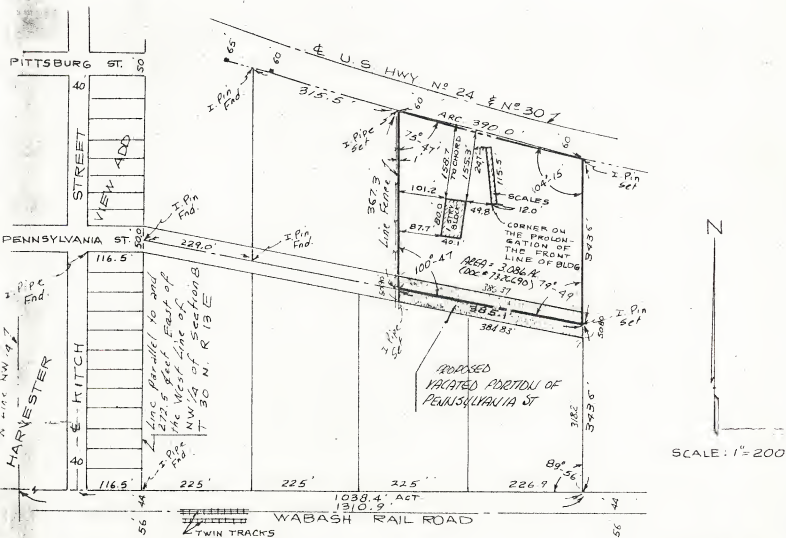
Phone: 219-743-1800

Certificate of Survey

This document is a certificate that the undersigned Civil Engineer and Land Surveyor, Registered under the laws of Indiana, has made a survey of Part of Northeast Quarter Section 4, Township 19 North, Range 15 East, Allen County, Indiana, in particular described as follows,

in conformity with the records or the plat thereof on file in the Allen County Recorder's Office, Port Wayne, Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

Commencing at the intersection of the West line of said Northwest Quarter with the North Right-of-way line of Wacoash Rail Road (Now N & W); thence East, on and along said North line, 1310.9 feet; thence North, by an interior angle of 89°-56', a distance of 343.6 feet to the true point of beginning, said point being situated on the centerline of a 50 foot road-way easement; thence North, on the prolongation of last described course, 343.6 feet to the South Right-of-way line of U. S. Highway No. 24 & No. 30; thence Northwesterly, along said Highway Right-of-way line being a regular curve, the chord of which forms an interior angle of 104°-15' with last described course, an arc distance of 390.0 feet; thence South, with an interior angle of 75°-47' from said chord, 367.3 feet to the centerline of said Roadway easement; thence Southeasterly, by an interior angle of 100°-47', a distance of 385.1 feet to the point of beginning, containing 3.086 acres of land.



I hereby certify above survey to be correct.

Surveyed: 6-14-71

Surveyed for LINCOLN NAT'L BANK & TRUST CO

Survey No. AB-169

REVISED FEB. 19, 1979. VACATED PORTION
OF PENNSYLVANIA ST. ADDED.

Exhibit A-1



zk tazian

ASSOCIATES INC.
710 S BARR ST.
FT WAYNE, IN 46802
219-743-0003
219-422-6363

ZOHRAB K. TAZIAN, PE & LS
president

JERRY K. WALKER, PE & LS
vice-president

CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

PORTION OF PENNSYLVANIA STREET TO BE VACATED

That part of Pennsylvania Street which lies West of the East line of the following described tract and said East line projected South and East of the West line of the following described tract and said West line projected South, said tract being described as follows, to wit:

Commencing at the intersection of the West line of said Northwest Quarter with the North right-of-way line of Wabash Rail Road (now N & W); thence East, on and along said North line, 1310.9 feet; thence North, by an interior angle of $89^{\circ}-56'$, a distance of 343.6 feet to the true point of beginning, said point being situated on the centerline of a 50 foot road-way easement; thence North, on the prolongation of last described course, 343.6 feet to the South right-of-way line of U.S. Highway No. 24 & No. 30; thence Northwesterly, along said Highway right-of-way line being a regular curve, the chord of which forms an interior angle of $104^{\circ}-15'$ with last described course, an arc distance of 390.0 feet; thence South, with an interior angle of $75^{\circ}-47'$ from said chord, 367.3 feet to the centerline of said Roadway easement; thence Southeasterly, by an interior angle of $100^{\circ}-47'$, a distance of 385.1 feet to the point of beginning, containing 3.086 acres of land.

Said portion of Pennsylvania Street to be vacated also being more particularly described as follows, to wit:

Part of the Northwest Quarter, Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to wit:

Commencing at the point of intersection of the West line of said Northwest Quarter with the North right-of-way line of the Wabash Railroad (now the Norfolk & Western); thence East, on and along said North line, a distance of 1310.9 feet; thence Northerly, by an interior angle of $89^{\circ}-56'$, a distance of 318.2 feet to a point on the Southerly right-of-way line of said Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly on the last described course, a distance of 50.80 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwesterly, by a deflection angle left of $79^{\circ}-49'$, on and along said Northerly right-of-way line, a distance of 385.37 feet; thence Southwesterly, by a deflection angle left of $100^{\circ}-47'$, a distance of 50.90 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of $79^{\circ}-13'$, on and along said Southerly right-of-way line, a distance of 384.93 feet to the true point of beginning.

I hereby certify on the 20th day of February, 1922, that the above survey is correct.
Surveyed for: Lincoln National Bank & Trust
Survey No.: AB-169

Zohrab K. Tazian
Exhibit A-2



GRANT OF EASEMENT

THIS INDENTURE WITNESSETH THAT: Fort Wayne National Bank, Trustee, of Allen County, State of Indiana, hereinafter referred to as "GRANTOR", for and in consideration of One Dollar, receipt of which is hereby acknowledged, does hereby grant, quit-claim, and convey to the CITY OF FORT WAYNE, hereinafter referred to as "GRANTEE", a permanent easement and right-of-way to construct, operate, control, maintain, reconstruct and remove a sewer line, along and across the following described real property, located in Allen County, State of Indiana, to wit:

That part of Pennsylvania Street which lies West of the East line of following described tract and said East line projected South and East of the West line of the following described tract and said West line projected South, said tract being described as follows, to-wit:

Commencing at the intersection of the West line of said Northwest Quarter with the North right-of-way line of Wabash Railroad (now N & W); thence East, on and along said North line, 1310.0 feet; thence North, by an interior angle of $89^{\circ}-56'$, a distance of 343.6 feet to the true point of beginning, said point being situated on the centerline of a 50 foot roadway easement; thence North, on the prolongation of last described course, 343.6 feet to the South right-of-way line of U.S. Highway No. 24 & No. 30; thence Northwesterly, along said Highway right-of-way line being a regular curve, the chord of which forms an interior angle of $104^{\circ}-15'$ with last described course, an arc distance of 390.0 feet; thence South, with an interior angle of $75^{\circ}-47'$ from said chord, 367.3 feet to the centerline of said Roadway easement; thence Southeasterly, by an interior angle of $100^{\circ}-47'$, a distance of 385.1 feet to the point of beginning, containing 3.086 acres of land.

Said portion of Pennsylvania Street to be vacated also being more particularly described as follows to wit:

Part of the Northwest Quarter, Section 8, Township 30 North, Range 13 East, Allen County, Indiana in particular described as follows, to wit:

Commencing at the point of intersection of the West line of said Northwest Quarter of the North right-of-way line of the Wabash Railroad (now the Norfolk & Western); thence East, on and along said North line, a distance of 1310.9 feet; thence Northerly, by an interior angle of $89^{\circ}-56'$, a distance of 318.2 feet to a point of the Southerly right-of-way line of said Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly on the last described course, a distance of 50.80 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwesterly, by a deflection angle left of $79^{\circ}-49'$, on and along said Northerly right-of-way line, a distance of 385.37 feet; thence Southwesterly, by a deflection angle left of $100^{\circ}-47'$, a distance of 50.90 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of $79^{\circ}-13'$, on and along said Southerly right-of-way line, a distance of 384.83 feet to the true point of beginning.

Grantor certifies under oat that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

EXECUTED THIS 17th DAY OF December, 1979.

FORT WAYNE NATIONAL BANK

By: Clark Valentine
Clark Valentine, Trust Officer

STATE OF INDIANA:

SS

County of Allen:

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared Clark Valentine who acknowledged the execution of the foregoing Grant of Easement, as and for voluntary act and deed, for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 17th day of Dec 19 79.

Mary Jane Newkirk
Notary Public Mary Jane Newkirk

MY COMMISSION EXPIRES

Resident of Allen County

9/21/83

This instrument prepared by: Philip R. Boller, P.E.

RESOLUTION

WHEREAS, CLARK VALENTINE, TRUST OFFICER FORT WAYNE NATIONAL BANK has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of a portion of a street situated in Fort Wayne, Allen County, to-wit:

Part of the Northwest Quarter, Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit:

Commencing at the point of intersection of the West line of said Northwest Quarter with the North right-of-way line of Wabash Railroad (now the Norfolk and Western); thence East, on and along said North line, a distance of 1310.9 feet; thence Northerly, by an interior angle of 89 degrees -56', a distance of 318.2 feet to a point on the Southerly right-of-way line of said Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly on the last described course, a distance of 50.80 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwesterly, by a deflection angle left of 79 degrees -49', on and along said Northerly right-of-way line, a distance of 385.37 feet; thence Southwesterly, by a deflection angle left of 100 degrees -47', a distance of 50.90 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of 79 degrees -13', on and along said Southerly right-of-way line, a distance of 384.3 feet to the true point of beginning

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 18, 1979 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the street in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Joyce Schlatter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 25, 1979, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 30th DAY OF January 19 80

FORT WAYNE CITY PLAN COMMISSION

Joyce Schlatter 
Joyce Schlatter
Secretary

68-176-7 1/10/80

WHEREAS, CLARK VALENTINE, TRUST OFFICE FORT WAYNE NATIONAL BANK has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of a portion of a street situated in Fort Wayne, Allen County, to-wit:

Part of the Northwest Quarter, Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit:

Commencing at the point of intersection of the West line of said Northwest Quarter with the North right-of-way line of Wabash Railroad (now the Norfolk and Wester); thence East, on and along said North line, a distance of 1310.9 feet; thence Northerly, by an interior angle of 89 degrees -56', a distance of 318.2 feet to a point on the Southerly right-of-way line of said Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly on the last described course, a distance of 50.80 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwesterly, by a deflection angle left of 79 degrees -49', on and along said Northerly right-of-way line, a distance of 385.37 feet; thence Southwesterly, by a deflection angle left of 100 degrees -47', a distance of 50.90 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of 79 degrees -13', on and along said Southerly right-of-way line, a distance of 384.83 feet to the true point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a portion of a public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of a public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of a public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

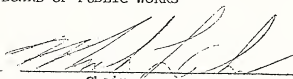
STATE OF INDIANA)

) SS:

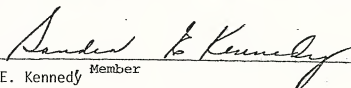
COUNTY OF ALLEN)

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held January 10, 1980 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 10th DAY OF January 1980
FORT WAYNE BOARD OF PUBLIC WORKS


Mark L. Akers, Chairman


Carl O'Neal, Member


Sandra E. Kennedy, Member

RECEIPT

Date

1-26

19

79

No.

10706

Received From

Rothberg, et al.

Address

Indiana Bank

Fifty

00/100

Dollars

\$50.00

For

Vacation

Portion of Pennsylvania

ACCOUNT

HOW PAID

AMT. OF
ACCOUNT

CASH

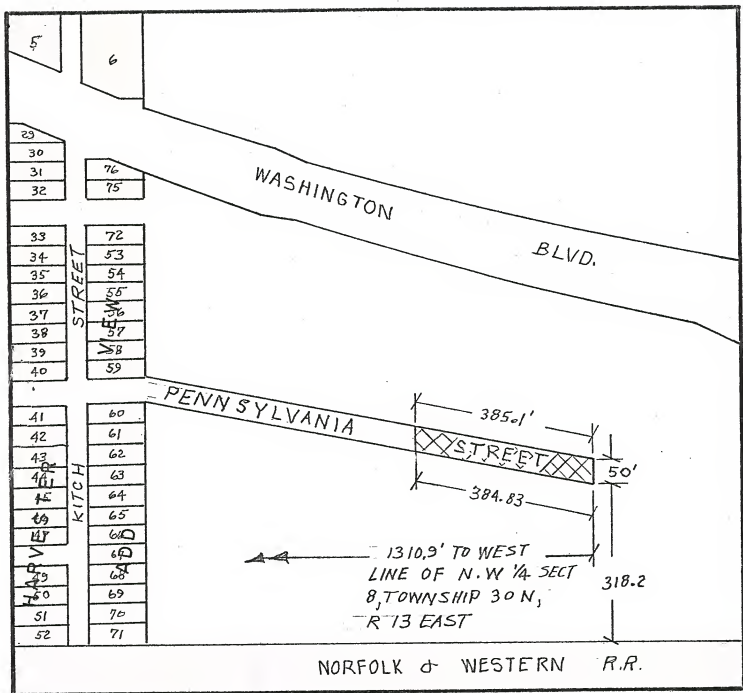
AMT. PAID

CHECK

BALANCE
DUEMONEY
ORDER

By

JatR



STREET TO BE VACATED

6-79-05-12



PREPARED BY R. K. / MAP No. R2 / 2-1-79

4686

DIGEST SHEET

Admn. Appr. _____

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-79-11-15DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE S. 2~~70~~.5 feet of W 82.5 feet of Lot. #11 in
Feichter's Gardenview Addition, more commonly known as
3505 Lake Avenue.EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.
Property will become R-3 - Multiple Family Residential.EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family
Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

4456

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance D-79-05-12

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Portion of Pennsylvania Street

EFFECT OF PASSAGE Property is now public right-of-way. Property will revert to adjacent property owners and closed for public right-of-way.

EFFECT OF NON-PASSAGE Property will remain open as public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____



VICE PRESIDENT OF THE COMMON COUNCIL

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122 -:- james s. stier-:- councilman, 6th district

February 21, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of February 25 and March 3, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-79-11-22
General Ordinance No. G-05-80

Bill No. G-79-11-21
General Ordinance No. G-04-80

Bill No. G-79-05-12
General Ordinance No. G-03-80

Please send us 12 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL:1

LEGAL NOTICE

Notice is hereby given that on the 12th day of February, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-79-11-22 -- General Ordinance No. G-05-80, being AN ORDINANCE amending General Ordinance No. G-97 authorizing the vacation of a utility easement in Lake Forest Addition.

Notice is hereby given that on the 12th day of February, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-79-11-21 -- General Ordinance No. G-04-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of an alley in Rockhill Heir's Addition.

Notice is hereby given that on the 12th day of February, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-79-05-12 -- General Ordinance No. G-03-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Pennsylvania Street


I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-79-11-22 -- General Ordinance No. G-05-80; Bill No. G-79-11-21 -- General Ordinance No. G-04-80 and Bill No. G-79-05-12 -- General Ordinance No. G-03-80, were passed by the Common Council on the 12th day of February, 1980, said Ordinances were duly signed and approved by the Mayor on the 19th day of February, 1980, and now remains on file and on record in my office.

Copies of Bill No. G-79-11-22 -- General Ordinance No. G-05-80, Bill No. G-79-05-12 -- General Ordinance No. G-04-80 and Bill No. G-79-05-12 -- General Ordinance No. G-03-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

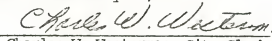
- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-79-11-22 -- General Ordinance No. G-05-80, Bill No. G-79-05-12 -- General Ordinance No. G-04-80 and Bill No. G-79-05-12 -- General Ordinance No. G-03-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on February 25, 1980.


Charles W. Westerman, City Clerk

Fort Wayne Common Council

(Governmental Unit)

To **JOURNAL-GAZETTE** Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

84**2****86****COMPUTATION OF CHARGES****86** lines, **1** columns wide equals **86** equivalent lines at **.253¢** **21.76**
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) **10 extra** **5.00**

TOTAL AMOUNT OF CLAIM

26.76**DATA FOR COMPUTING COST**

Notice is hereby given that on the 12th day of February, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-79-11-21 - General Ordinance No. G-05-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a utility easement in Lake Forest Addition.

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Notice is hereby given that on the 12th day of February, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-79-05-12 - General Ordinance No. G-03-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Pennsylvania Street.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-79-11-21 - General Ordinance No. G-05-80; Bill No. G-79-11-21 - General Ordinance No. G-04-80 and Bill No. G-79-05-12 - General Ordinance No. G-03-80, were passed by the Common Council on the 12th day of February, 1980, said Ordinances were duly signed and approved by the Mayor on the 19th day of February, 1980 and now remains on file and on record in my office.

Copies of Bill No. G-79-11-21 - General Ordinance No. G-05-80, Bill No. G-79-05-12 - General Ordinance No. G-04-80 and Bill No. G-79-05-12 - General Ordinance No. G-03-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor lobby of the City-Country Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-79-11-21 - General Ordinance No. G-05-80, Bill No. G-79-05-12 - General Ordinance No. G-04-80 and Bill No. G-79-05-12 - General Ordinance No. G-03-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-Country Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana full-filled and posted the above ordinances in the designated places as stated on February 25, 1980.

CHARLES W. WESTERMAN
City Clerk

Size of type.....6.....point

Size of quad upon which type is cast.....6.....

Arvilla Dewald

Title.....CLERK

PUBLISHER'S AFFIDAVITState of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned.....**ARVILLA DEWALD**.....who, being duly sworn, says that she is.....**CLERK**.....of the**JOURNAL-GAZETTE**
a.....**DAILY**.....newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** town.....in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for.....**two times**.....the dates of publication being as follows:**2/25 - 3/3/80**Subscribed and sworn to before me this **3 rd** day of **March** 19 **80**My commission expires **September 28, 1983**

Port Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

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Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

84286**COMPUTATION OF CHARGES**

86 lines, 1 columns wide equals 86 equivalent lines at .253¢ \$ 21.76
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 10 extra5.00

TOTAL AMOUNT OF CLAIM.

\$ 26.76**DATA FOR COMPUTING COST**Width of single column 9.6 picasSize of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Arvilla DeWald*Date March 3 19 80Title CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS.

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE
DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

2/25 - 3/3/80Subscribed and sworn to before me this 3 rd day of March 19 80My commission expires September 28, 1983

Notary Public

Logic or Bill No. 122
General Ordinance No. G-05-80, Bill No. G-79-05-12 - General Ordinance No. G-04-80 and Bill No. G-79-05-12 - General Ordinance No. G-03-80, will be available the reading in the following places in Fort Wayne, Allen County, Indiana.
(1) Reference Room in the north end of the main floor in said Downtown Public Library.
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.
CHARLES W. WESTERMAN
City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fully titled and posted the above ordinances in the designated places as stated on February 25, 1980.
CHARLES W. WESTERMAN
City Clerk

Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.Allen

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____

Body number of lines _____

Tail number of lines _____

Total number of lines in notice _____

84**2****86****COMPUTATION OF CHARGES**

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cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) **10 extra** **5.00****TOTAL AMOUNT OF CLAIM.****\$ 26.76****DATA FOR COMPUTING COST**Width of single column 9.6 picasSize of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

80Title D. Roose **CLERK****PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS.Personally appeared before me, a notary public in and for said county and state, the undersigned D. Roose who, being duly sworn, says _____ of the _____**NEWS-SENTINEL****DAILY**_____ newspaper of general circulation printed and published in _____ town of FORT WAYNE, INDIANAand county aforesaid, and that the printed matter attached hereto is a true copy, as duly published in said paper for two times the dates of publication being _____**2/25 - 3/3/80****3 rd** day of March **80****September 28, 1983**

My commission expires _____

Subscribed and sworn to before me this _____

Notice is hereby given that on the 12th day of February, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-79-11-22 — General Ordinance No. G-65-80, being AN ORDINANCE amending General Ordinance No. G-97 authorizing the vacation of a utility easement in Lake Forest Addition.

Notice is hereby given that on the 12th day of February, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-79-05-12 — General Ordinance No. G-64-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of an alley in Rockhill Heir's Addition.

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I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-79-11-22 — General Ordinance No. G-65-80; Bill No. G-79-11-21 — General Ordinance No. G-64-80 and Bill No. G-79-05-12 — General Ordinance No. G-65-80, were passed by the Common Council on the 12th day of February, 1980, said Ordinances were duly signed and approved by the Mayor on the 19th day of February, 1980, and now remains on file and on record in my office.

Copies of Bill No. G-79-11-22 — General Ordinance No. G-65-80; Bill No. G-79-05-12 — General Ordinance No. G-64-80 and Bill No. G-79-05-12 — General Ordinance No. G-65-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

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(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
(3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-79-11-22 — General Ordinance No. G-65-80; Bill

No. G-79-05-12 — General Ordinance No. G-64-80 and Bill No. G-79-05-12 — General Ordinance No. G-65-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

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CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-79-11-22 — General Ordinance No. G-65-80; Bill No. G-79-11-21 — General Ordinance No. G-64-80 and Bill No. G-79-05-12 — General Ordinance No. G-65-80, were passed by the Common Council on the 12th day of February, 1980, said Ordinances were duly signed and approved by the Mayor on the 19th day of February, 1980, and now remains on file and on record in my office.

2-25-3

Port Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.Allen

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

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84

Body number of lines

2

Tail number of lines

86

Total number of lines in notice

COMPUTATION OF CHARGES

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Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date March 3 19 80Title CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. Roose who, being duly sworn, says that she is CLERK of the

NEWS-SENTINELDAILY

a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

2/25 - 3/3/80

Subscribed and sworn to before me this

3 rd day of March 19 80

My commission expires

September 28, 1983

Notary Public

Legal Notice

By far the best kept secret in the history of the world is that the Allen County Public Library is a so-called "public" library. It is a place where the public can go to get a book, but it is not a place where the public can go to get a book. It is a place where the public can go to get a book, but it is not a place where the public can go to get a book. It is a place where the public can go to get a book, but it is not a place where the public can go to get a book.

General Ordinance No. G-03-80, were passed by the Common Council on the 15th day of February, 1980, said Ordinances were duly signed and approved by the Mayor on the 19th day of February, 1980, and now remain on file and on record in my office.
Copies of Bill No. G-79-11-22 - General Ordinance No. G-05-80, Bill No. G-79-05-12 - General Ordinance No. G-04-80 and Bill No. G-79-05-12 - General Ordinance No. G-03-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:
(1) The main floor lobby of the City-County Building
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.
(3) The bulletin board in the lobby at the East door of the Allen County Court House.
Copies of Bill No. G-79-11-22 - General Ordinance No. G-05-80, Bill